

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LARRY N. McCLENDON,	)	
	)	
Plaintiff,	)	
	)	
	)	Case No. 4:05CV1316 HEA
v.	)	
	)	
UNION PACIFIC RAILROAD CO.,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on Defendant's Motion to Dismiss, [#20], which was filed on April 3, 2006. Defendant moves this Court to dismiss Plaintiff's case due to his violation of this Court's March 24, 2006 Order, wherein Plaintiff was ordered to comply with Defendant's discovery requests within 5 days.

By May 2, 2006, Plaintiff had not complied with the Court's March 24, 2006 Order, so the Court issued another Order. Plaintiff was ordered to comply with Defendant's discovery requests or show cause as to why Defendant's requests are unreasonable or otherwise outside the purview of the Federal Rules of Civil Procedure. The Court specifically noted that Plaintiff's failure to comply with the Order shall result in a dismissal of the matter without prejudice. To date, Plaintiff has failed to comply with Defendant's discovery requests, has failed to respond to Defendant's Motion to Dismiss, and has failed to show cause as mandated by the May 2, 2006 Order.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss, [#20], is granted; this matter is dismissed without prejudice.

Dated this 16th day of May, 2006.

A handwritten signature in cursive script, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

---

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE